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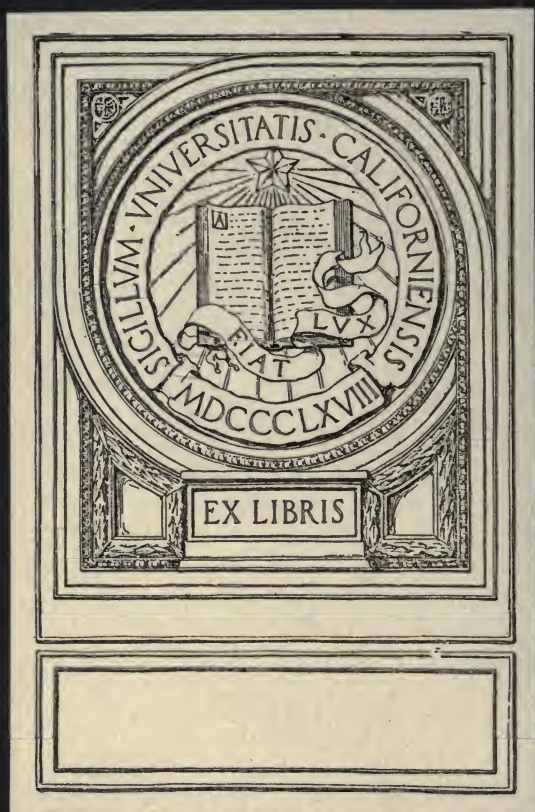
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HOME RULE THROUGH FEDERAL DEVOLUTION

BY
FREDERIC W. PIM

Author of "Private Bill Legislation,"
"The Railways and the State," etc.

WITH AN INTRODUCTION BY
FREDERIC HARRISON

1/- NET

LONDON: T. FISHER UNWIN, LTD.
ADELPHI TERRACE

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"Except these abide in the ship, ye cannot be saved."—ACTS xxvii. 31.

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TO VIVID
ALPHONSO

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PREFACE

THIS pamphlet is the outcome of much consideration of the condition of Ireland, and the many well-intentioned attempts to devise a remedy for her grievances. It was intended for publication early in the spring, but illness compelled me to lay it aside for more than three months ; so that it was barely complete when *The Times*' scheme for the settlement of Ireland appeared.

The schemes for Home Rule for Ireland hitherto propounded seem mostly to have been evolved by conceiving the " Idea " of a perfect constitution, after the manner of Plato's Republic, and endeavouring to reconcile it with the facts, by a system of checks and counterchecks as complicated as the cycles and epicycles of the Ptolemaic Astronomy. *The Times* approaches the question by the common-sense, if prosaic, method of first ascertaining the real facts—always a matter of extreme difficulty in Ireland—and thereon founding a plan, adapted, as far as possible, to the actual conditions of the problem.

Nevertheless, there are many points in the scheme which are certain to evoke strongly contentious debate, both as regards the construction of the legislative and executive machinery and as to the distribution of power between the several authorities. This is not the place for an analysis of the scheme ; but amongst these contentious points may be mentioned the extremely dangerous suggestion for conferring on the Irish Parliament power, not only to levy customs' duties, but to negotiate commercial treaties with foreign Powers, as well as, also, the proposals for equal representation in the Irish Parliament of the two secondary States and for a veto of each

State on legislation affecting it. Artificial protective devices such as these are always to be deprecated, and, if possible, avoided. Equal representation, which in itself constitutes a veto, was tried in Canada with the very same object, that of reconciling different races and religions. The result was confusion, and ultimately a deadlock, under which the constitution of 1840 broke down.

I have not had the hardihood to put forward any plan of my own for the future government of Ireland, but have contented myself with the less ambitious task of stating what seem to me to be the most salient and characteristic features of the puzzle, directing special attention to some points which do not seem to have been sufficiently considered by those who have hitherto been engaged in the endeavour to solve it. It will be seen that there is, on many of these points, considerable similarity between the views I have tried to present in the following pages and those of the writers of the instructive series of "special articles" on which *The Times*' scheme is based.

Both in the "special articles" and in the scheme, *The Times* foreshadows as not far off, a system of federal devolution for the United Kingdom; and the provisions of the scheme are adapted to the intention of its being fitted in hereafter in such a general reconstruction. No doubt to the influence of this prevision is due the seeming complexity of some parts of the framework of the scheme as well as a general air of temporary expedience.

As a part of a scheme of general federalisation, a constitution for Irish self-government might be constructed which, whilst it would not satisfy the visionary desires of extremists, would yet go so far towards meeting the legitimate aspirations of Irishmen, that it could not be refused. On the other hand, it will be extremely difficult to "impose on Ireland"—as *The Times* itself recognises to be a necessity—on no stronger ground than the expectation of such a reconstruction in an undefined future (however sanguine we may be of its nearness), a scheme which, in its essential features, differs

widely from anything that prevails in any other part of the United Kingdom, and which will not command the adhesion of any considerable party in Ireland.

If, however, Parliament is not yet prepared to take up the vital question of general devolution, and it is decided that a settlement for Ireland is so urgent that it cannot be any longer postponed, and must therefore, at any risk, be dealt with separately ; then *The Times'* scheme, though not free from blemish, seems to offer the most statesmanlike basis that has yet been propounded on which a just and safe edifice may be erected.

F. W. PIM.

DUBLIN,

August 1919.

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INTRODUCTION

BY common consent the problem of Irish Government is at once the most urgent and the most complex of all the dilemmas which face the statesmen of Britain. Englishmen are at last convinced that it cannot be satisfactorily dealt with by any generalisation, on *a priori* principles, or purely British ideas, but must be settled by Irish ideas, in accordance with Irish traditions, and especially by an intimate grasp of the facts and realities of Ireland. I venture to ask consideration for a mature and weighty study of the facts of Ireland to-day by an Irish thinker, of business experience, independent of party, faction, or religious prejudice.

The writer of the following essay, Frederic William Pim, of Dublin, has been engaged in mercantile and manufacturing business in Dublin for more than half a century. He is a director, and was for twenty years, from 1896 to 1916, the Chairman of the Dublin and South-Eastern Railway Company. He has published his views on *Private Bill Legislation*, and other questions of administration, and his work on *The Railways and the State*, 1912, is a masterly treatment of the question now so urgent. He is therefore familiar with the political and economical circumstances, historical and practical, of Ireland.

Mr. Pim is not personally known to me, except by a correspondence on Irish affairs, containing comments from time to time on the current events of the day, which I have valued for the information they conveyed on a subject in which I have taken a life-long, deep, and constant interest. I have no connection with him, his family, or his friends. Though of pure Irish race on my

mother's side, I have never been in Ireland, and for a hundred years we have had no relations with that country. For fifty-two years, at least, I have been a keen supporter of Irish nationality, and in 1867, in my rooms in Lincoln's Inn, was signed the Petition presented to Parliament by John Bright, and at the same time was formed an "Irish Society" to urge reform on the basis of (1) abolition of the Irish Established Church; (2) settlement of the land question by giving cultivators proprietary rights; (3) primary gratuitous education; (4) grants to develop the resources of Ireland. In 1886 I was Gladstonian candidate for Parliament; and in many writings, and especially in my *Autobiography*, I have stated facts which show that the whole of my political life has been largely devoted to Irish problems. I have been in association with the leaders of Irish reforms, both Irish and British, including Gladstone, Parnell, Morley, Dillon, O'Brien, and Redmond. I am still a believer in Irish nationality—as I am a believer in English, Scottish, and Welsh nationality. In this behalf I ask British politicians to consider Mr. Pim's facts, warnings, and proposals.

Mr. Pim's study was written before the appearance of the remarkable series of letters in *The Times*, and of the elaborate scheme proposed by that journal. As I understand him, he agrees with its general ideas, at least as a temporary expedient, but would differ from it in important details. For myself, I wish to say, that as an Englishman, with no intimate knowledge of Irish psychology, I do not pretend to express any opinion of my own, either on the views of Mr. Pim, or those of *The Times*; much less would I venture on putting forth any scheme, or even, in this tangled crisis, any suggestions of my own. Like so many Englishmen who have long held on to the principle of Irish nationality, I see how this infinitely complex problem has now drifted far away from the ideas of the Home Rulers of thirty and forty years ago. Reasonable Englishmen of all parties are now ready to accept any settlement of Irish problems

that will not involve civil war, or abandoning the island to chaos and our enemies. Short of that, we are willing to adopt any kind of national government in which Ireland as a whole can be got to live and work in peace.

The restoration of peace and order in Ireland is now a matter for Irishmen to settle amongst themselves. It is an Irish problem to solve—not a British *non possumus* at all. It is untrue and unfair for foreign critics and Irish eloquence to accuse Britain of refusing Irish demands. We are only anxious to know what Ireland wants. Who speaks for Ireland? What does Ireland demand? It is farcical for Valera and his crowd to shout, “We are Ireland!” The good sense of Britons recognises that Ireland is *one*—must be *one*—can only live as *one* nation. Now there are at least three elements in Ireland, each claiming that they will not submit to be controlled by either of the others: Nationalists, Sinn Feiners, Ulster. However much these three may differ in numbers and in local grouping, they are not so widely unequal in wealth, organisation, and effective resources. There are these three, but all are sub-divided and there are several minor parties and interests. It is agreed by all that the Empire shall not *force* any one of these Irish elements to submit itself to any other. All we ask is—Where is the real Ireland? What does the real Ireland require for its prosperity and peace?

Until the real Ireland shows itself as an integral nation, and can put its national aspirations into definite and practicable form, it is a malicious sophism to cry, Why does not the British Government find a settlement? What settlement do these critics propose? What settlement has even a chance of producing agreement? The case is this. The various races, interests, religions in Ireland obstinately, violently, and with passion refuse to coalesce in any settled constitution. It is agreed that the force of the Empire shall not be used to make them coalesce. To charge us with refusing to satisfy Irishmen is calling upon British statesmen to square the circle, to make the camel pass through the eye of the needle.

All that British statesmanship can do is to take the advice of Irishmen of business and administrative experience, who stand aloof from politics, parties, and churches, men of high character and of tried patriotism. Irishmen whom we never hear of in the parliamentary world have shown conspicuous genius in practical organisation. They are the men to whom we should listen. They know their country and their fellow citizens as no Briton can. It is one of these men whose words I ask Englishmen to mark, learn, and inwardly digest.

FREDERIC HARRISON.

HOME RULE THROUGH FEDERAL DEVOLUTION

THE momentous five years which have elapsed since the passing of The Government of Ireland Act, 1914, during which that Act has been in suspension, have brought many significant changes in the political and social aspect and conditions of the world. Ideals and opinions which, five years ago, seemed well-founded and unimpeachable, have had to be re-examined; and many schemes, which then appeared feasible and full of promise, have been reconstructed or abandoned as impracticable.

In Ireland, we have had the rise of the Sinn Fein conspiracy, and the destructive rebellion of Easter, 1916; the break-up of the Nationalist Party, and the substitution, in lieu of its parliamentary action, of the attempt to set up by revolution an independent Irish Republic.

Towards the end of 1917 came the well-intentioned but futile Convention, appointed in the vain hope of bringing all parties to a friendly agreement; balanced on the other hand, later on, by the ill-advised project of conscription, the effect of which was to weld together the discordant factions, and to throw the whole voting power of the constituencies, throughout agricultural Ireland, into the Sinn Fein scale; of which we have seen the results in the late election.

Last of all, we have had the recent Irish tour of the American envoys, undertaken, as they alleged, with the approval of the Prime Minister, still further to

inflare the fervour of the Sinn Fein leaders and their adherents.

In face of these happenings, the Act of 1914, which no one in Ireland ever regarded as viable, is now universally acknowledged to be hopelessly moribund; and the question is not, whether it can be resuscitated, but what is to replace it.

Amongst the most important of the vital changes brought within the region of practical politics during the course of the war, "votes for women" has become an accomplished fact, whether ultimately for good or evil who can say? I have always thought it more than doubtful whether the intelligent and energetic women who have brought this change about would not, in the result, find that, in obtaining access to the ballot-box, they had lost more than they gained; but the Democracy has decided the matter, and the results are for the future.

There can be no doubt that the sweeping majorities by which Sinn Fein has replaced Nationalism in Ireland were largely due to the enthusiastic votes of the women in the country constituencies, given in the belief that Sinn Fein had saved their men from conscription, in regard to which the old politicians were looked on as weak and untrustworthy. Having no knowledge of European history, the country people of Ireland—especially the women—were easily persuaded that Ireland was in no way interested in the causes or consequences of the war. The essential dogma of Sinn Fein is that the Irish are a nation apart, devoid of all fellowship or community with any other people, and this spirit of isolation is sedulously inculcated by the leaders, with the concurrence of the rulers of the Church, who dream of Ireland as an enclave of Faith in a desert of heresy.

The completeness of the *bouleversement* was further attributable to reaction against the inertness into which the Nationalist Party had sunk. John Redmond had been in bad health long before his death, and his vigour of leadership had been much impaired. The party was

therefore already decadent when it fell into the hands of his successor, who had no mark of that resolute masterfulness which the Irish, in an eminent degree, look for in a leader. The Sinn Feiners came forward with a defined object, and with a promise of vigorous action and of ultimate success. What wonder if they captured the imagination, and carried away the feeling, of an impressionable people weary of "waiting for something to turn up."

It is therefore not to be inferred, from the result of the recent election, that the Irish farmers are convinced republicans. They have probably no settled convictions as to forms of government, but they are obsessed with a sort of parody of the Monroe doctrine, and are ready to shout, and vote, for the party that asserts this insular aloofness from any form of *Weltpolitik*, and resolutely stands between them and conscription, with its resultant of an enforced participation in foreign complications which they are determined to keep out of at all hazards. The Roman Catholic Church, though no friend to Republicanism or independence of thought and action, acquiesces, with something less than absolute impartiality, in this aloofness.

From the ethical point of view it would not seem that, in the recent crisis, brought about by the very unwise action of the Government in the matter of conscription, the conduct of the Sinn Feiners is any more blameworthy than that of Cobden in the 'fifties, or of *The Daily News* and *The Manchester Guardian* in 1914. But in Ireland everything is poisoned by our unquenchable religious animosities, in combination with the perennial ineptitude of our oscillatory Government. There can be no chance of conciliation or stability in Ireland so long as its Government is bound up with the English party system, by which continuity of general policy and steadfastness of administration are rendered hopeless.

It is not only that with every change of Ministry at Westminster there is a similar change at the Castle—as likely as not entailing a radical change of policy in the

Irish Administration—but that the frequent changes of personnel in the principal offices of the State render impossible the mutual knowledge of one another between rulers and ruled, so especially desirable in Ireland, where traces of the old patriarchial clan system still influence popular feeling. In the last fifty years we have had thirteen Viceroys, of whom Earl Spencer held the position for about nine years, the Earl of Aberdeen ten years, and Earl Cadogan seven years; leaving for the other ten an average tenure of two and a half years. Of Chief Secretaries, in the same period, there have been twenty, of whom Sir Michael Hicks-Beach, Mr. Gerald Balfour and Mr. George Wyndham were in office for five years each, and Mr. Birrell for nine years, the remaining sixteen averaging about a year-and-a-half. Of Under-Secretaries there have been eleven.

The remedy for this state of things which suggests itself to every one is the adoption for Ireland of some form of self-government; but no plan has yet been devised which is capable of being carried out without causing at least as much evil as it might conceivably cure. The Act which has been “on the Statute book” since 1914, is admittedly unworkable; so much so that Government is understood to be pledged to pass an amending act before putting it in force. If brought into operation as it stands it must plunge us into confusion, with a probable result of insolvency, and perhaps of civil war. The exemption of the six Protestant counties of Ulster has been demanded, and is vehemently advocated—with unanswerable logic—by the *Spectator*; but it could not work. The instinct of the whole nation is against it; no one believes in it—not even the partitionists themselves. A similar suggestion during the Revolution in France aggravated the Terror, and was extinguished in blood, to the cry of “*La République une et indivisible.*”

All attempts hitherto made to constitute a separate Government for Ireland have, in the writer's judgment, been based on a radically unsound principle. Instead of

conferring on an Irish Parliament, to be created by the Act, general powers of legislation limited by exemptions, provisos, and prohibitions, reminiscent of the Ten Commandments, with their recurring "Thou shalt nots," the instrument by which any subordinate legislature or governing body is to be established should set out and proceed throughout, on the principle of conferring on the proposed Parliament or Council such positive and defined powers as may be deemed advisable; with only those limitations or provisos that may be absolutely necessary to prevent ambiguity or misunderstanding.

The very first section of the Act of 1914 challenges the susceptibilities of the enthusiasts whom it is intended to placate by a declaration of general limitation, which would be unnecessary had the Bill been framed on the positive principle of defined powers, instead of the negative one of a general right of legislation, whittled down by limitations and provisos. The second section opens with a general limitation, and goes on to enact twelve sub-sections—the twelfth dealing with five separate matters—all of a prohibitory character. The third section prohibits "laws interfering with religious equality"; whilst the financial sections bristle with limitations and exceptions; as, in an attempt to reconcile obvious incompatibilities, was inevitable.

Without going further in detailed criticism of the Act of 1914, it may be remarked that this third section is not, as a protection for the Protestant minority, of the slightest value. It is not unequal laws in regard to religious matters that the Unionists of Ireland fear; but inequalities of administration on the part of the Executive, and the unchecked action of local authorities. The Irish politician is an adept in the art of evasion of laws and regulations, and against irregularities such as are feared statutory prohibitions are of no avail.

It seems therefore that, as long as the existing British Constitution remains unmodified it will continue to pass the wit of a man to devise a workable system of separate government for Ireland which will be accepted by the

Nationalists, acquiesced in by Ulster, and tolerable to the Unionists of the other provinces, and at the same time—a *sine qua non*—safe for the Kingdom and the Empire.

The only solution of the problem that commends itself as capable of being so adjusted as to satisfy all four conditions is one that, until quite recently, English public opinion had shown no willingness to entertain, and even seemed impatient of any mention of, too often treating it with contemptuous ridicule. Major Wood's recent motion in the House of Commons for a committee to consider a measure of Federal Devolution may not have brought within the region of practical politics the idea of the substitution of a quasi-federal constitution for the absolute incorporation of the three countries into one United Kingdom—which, though it has subsisted uneasily for 120 years, has, during the latter half of that period, admittedly failed in its primary object. The debate has, at all events, placed the proposal on a footing that entitles it to respectful consideration on its merits, instead of being laughed out of court with Canning's quip about restoring the Heptarchy.

The federalisation of the United Kingdom is not advocated for the purpose of settling the Irish difficulty. That might seem to be to "climb o'er the house to unlock the little gate." I am persuaded that, if the Empire is to continue to hold together, something of the kind aimed at in Major Wood's resolution must come—and that without much delay. The war has made it plain that our existing parliamentary system is no longer capable of dealing satisfactorily with the domestic affairs of the Kingdom and, at the same time, with foreign affairs and those of India and the Overseas Dominions. Public opinion has tended, with continually increasing strength, in this direction, and there have been many warnings, during the war, that the Dominions would not much longer be content with their liability to be involved in the foreign entanglements of the Government at Westminster without an adequate share in the consideration of the general policy of the

Empire ; and tentative suggestions for the creation of some sort of Imperial Federation, after the war, have been thrown out on all sides.

Any such organised Imperial Union between the United Kingdom and the Dominions would be greatly facilitated by an antecedent arrangement for the devolution upon subordinate bodies of the functions of the House of Commons in matters of domestic and internal legislation and administration, leaving the Parliament of the Empire free to devote its whole time and strength—for both of which there will be full occupation—to imperial and foreign affairs, including the defence of the realm, and all other matters in which the Dominions and the Mother-country have a common interest, as well as the general supervision of home affairs and the conduct of such as shall not have been specifically assigned to the subordinate councils.

It may be said that the federalisation of the kingdom would leave the Ulster difficulty untouched ; but, is this so ? The fundamental objection of the people of the North-Eastern counties is that all projects for the separate government of Ireland lower the status of those counties below that which they now enjoy of legislation and administration as an integral part of the United Kingdom, on equal and similar terms to the counties of England or Scotland, placing them in subjection without appeal to a sectional authority, whose sympathies they know to be alien to their social and political aspirations and habits of mind, and making them outcast from the Empire in which they have been proud of their citizenship.

In a federation of States, each having powers approximately like those of the provinces of Canada, or the constituent members of the United States, in which Ireland should take her place on equal footing with England, Scotland, or Wales, the Ulster counties would have in everything equal rights and privileges with those of England and Scotland, so that their primary objection would no longer be of much force ; whilst, if the powers of the several

States were defined in the federating statute, leaving all powers not so conferred to the Central Government, the fear of any sort of partial legislation, or unfair administration, would be greatly abated, if not wholly removed. By such an arrangement as this it might be hoped that the strong feeling in Ulster hostile to Irish self-government would be so mitigated that the demand of the six counties for partition might be withdrawn, whilst, on the other hand, the reasonable national feeling of Ireland ought to be satisfied by it, and a way opened for the gratification of the lawful ambition of her patriotic citizens, without the very grave risks to the Kingdom and the Empire inherent in every plan of Home Rule yet suggested, particularly in that form of it which is called Dominion Self-government.

Under such a federal constitution, the central Parliament would be set free from an enormous mass of work which now clogs the wheels both of general legislation and of imperial administration, and would gain immensely in dignity; moreover, if the Dominions could be brought into the scheme, as members of a super-federation, the Imperial Parliament might in a short time accrete to itself a new prestige, unrealisable under existing conditions. The question of the federation of the Empire is, however, for the future; it is not as yet one of practical politics. It is mentioned here because it appears to me that not only would there be no incompatibility between a federated United Kingdom and an Imperial Super-Federation, which many thinkers, both at home and abroad, are looking forward to, but the adoption of the federal principle for the Kingdom would, I believe, prove to have facilitated the adoption of the principle on the imperial scale, would indeed pave the way to a solution of the question of a permanent league between the Mother-country and her self-governing offshoots, which, second only to the proposed League of Nations, is the greatest question now before the English-speaking nations of the world.

In considering proposals for the devolution of much of

the work of the British Parliament upon subordinate legislative or administrative bodies, the great preponderance of England over the other countries seems to create a difficulty, which some critics deem fatal. Similar disproportions amongst the American States do not, however, disturb the harmony of the confederation; New York State is forty times the size of Rhode Island, and has close on seventeen times the population; and Pennsylvania is nine times as large as Connecticut, and has seven times the population. It is, however, a matter for consideration whether the overweight of England would not be best remedied by making of the northern industrial counties, and of those in the southern half of the country, which are chiefly agricultural, two separate States, and making Greater London also a State of itself. The social and political characteristics of the three provinces thus to be established are sufficiently distinct to justify their separate treatment.

It has been proposed, as a way of getting round the Ulster difficulty without actual partition, that Ireland should be granted a federal constitution within herself, by making the four provinces into four autonomous States (as was long ago suggested by Mr. Chamberlain) under the suzerainty of an Irish Parliament. This seems a clumsy way of endeavouring to evade the difficulty, and one of more than doubtful efficacy; moreover, it would in no way satisfy the legitimate ambition of any section of Home Rulers; however things may go hereafter, they will never willingly abate their claim to an Ireland "one and indivisible." Some such provincial distribution of administrative functions might perhaps be considered in connection with the scheme for a general devolution of powers for the whole United Kingdom.

Some prominent politicians, Home Rulers as well as others, have expressed an opinion that, in an Irish Parliament, the Ulster members, reinforced by Unionists of the south, would hold a dominant position; but such a result is extremely unlikely, especially under the

present extended franchise: we have seen that in the recent election, except for the two members for Dublin University, only one Unionist was returned outside of Ulster. Moreover, there are many southern Unionists who would by no means relish the domination of a body of typical Ulster politicians.

The suggestion of a Provincial Grand Committee of the Irish House is worthy of consideration. It ought to be a sufficient guarantee of the rights and liberties of Ulster, and would be far more workable than any device for the exclusion of the six counties can be made; and there seems no ground on which it could reasonably be refused by Nationalists; the difficulty is that there is not, and never has been, any spirit of compromise amongst Irish parties.

If Major Wood's devolution proposals are to be practically considered, the suggestion that the six counties of Ulster—if not the whole province—might be made a State of the Federation ought not to be passed over without full examination. The State thus created would contain 5,238 square miles, with a population, by the last census, of 1,250,531. It would be larger than Connecticut, Delaware, or Rhode Island, and would exceed in population any of the six New England States, except Massachusetts. Unless we are to accept the belief that the congenital incompatibility between Ulster and the rest of Ireland can never, by any means, be overcome, one or other of the methods referred to ought to afford a ground-work for mutual accommodation.

In planning a system of separate government for Ireland, there seems no good purpose to be served by having two separate Chambers. If the federal scheme be adopted, the existing dual legislature would rightly be perpetuated in the Central Parliament, in which, disencumbered by devolution on the subordinate States of most of the domestic and internal affairs of the Kingdom, the House of Lords would still have a very important function to perform in connection with imperial and

foreign affairs, for which many of its members are exceptionally qualified by knowledge and experience; but there is no apparent use in having in the several States a revising Senate as an academic check on hasty or ill-advised legislation by the Lower House. If any such supervisal is desirable, it would be better provided for by reserving, in certain matters, a power of appeal to the Central Parliament, or to the Judicial Committee of the Privy Council, or to a specially appointed Court having powers analogous to those of the Supreme Court of the United States. In Ireland, I am convinced that the existence of two Houses could not fail to lead to jealousy, contention, and bickering, without any commensurate advantage.

Eminent students of parliamentary and constitutional history, who have given much thought to the evolution of the English governmental system, are of opinion that the intimate and direct combination of legislative and executive functions in the House of Commons is, in principle, unsound and logically indefensible, and that, in practice, it has seriously hampered the action of Parliament, and impaired its usefulness, and they strongly recommend that in any constitutional reconstruction this feature should, as far as possible, be eliminated. There is undoubtedly great force in the objection, especially in view of the changes brought about by the passing of the Parliament Act, and of the constantly increasing magnitude and gravity of the great questions of world-wide principle and policy with which we are faced through the results of the war.

As matters now stand an altogether disproportionate amount of the time of Parliament is consumed in the discussion of every-day matters of administration; subjects legitimate in themselves, but trivial, and often even frivolous, relatively to those weightier matters of legislation for which the acknowledged necessity is year by year increasing in urgency, but for the reasonable consideration of which no sufficient time is left available. Even in peace times this evil has long been recognised,

and has been felt by many persons, both in the House of Commons and out of it, as almost intolerable; and the war has now entailed, not on this generation only, but also on those to come, a legacy of new problems of vital importance and of the greatest intricacy, demanding from the rulers of all the civilised countries more time and thought for their solution than it will be possible for our Government to give them, unless the Cabinet and the Imperial Parliament be relieved of a great deal of the work which now unduly absorbs their time and energies.

There is another direction in which federal devolution would open the way for a very much needed improvement in our parliamentary system. At any time, on short notice—or, conceivably, without any notice at all—a hostile vote of the House of Commons, perhaps on some quite secondary matter of administration irrelevant to the general scope of the Government policy, may compel the resignation of the Cabinet, and break in upon the continuity of its procedure, to the detriment of measures of vital importance to the nation and the Empire.

With these contingencies always present to their minds, Ministers are rarely free to present their measures to Parliament in the form best calculated to realise their conception. To save time they must take the line of least resistance, rather than that which would be the best, and must often omit or curtail essential features of their design, lest they should lead to long debate and so cause the loss of their Bill, or squeeze out other business of equal or greater importance. The unavoidable result of this overwhelming pressure on the available time of the House is an increasingly frequent resort to some form of closure, and the cutting down of important measures by dropping out provisions which, however valuable, seem to invite contention, with a view to reducing them to a form in which they may be likely to pass without that clause-by-clause discussion which is the *raison d'être* of Parliamentary Committees; while many

much-desired projects are put off from session to session or passed in such a weakened form as to be of little value.

Assuming, then, that there is a general consensus that extensive modifications of our existing legislative and administrative system are urgently required, all the indications seem to show that the present time offers an exceptional opportunity for dealing with them. The results of the war call for new departures in many directions, for which our existing machinery is unsuitable and inadequate, and public opinion daily tends more and more to look for a remedy to the devolution of powers legislative or administrative, or both, now exercised by Parliament, to subordinate Assemblies on the principle of the relations of the American States to the Federal Government.

As already stated, the present writer sees no other—at all events no better—way of escape from the perennial Irish difficulty, nor any that can be effected without intolerable coercion, not of the seditious, but of the loyal and orderly portion of the population, and which might be expected to be permanent, otherwise than through the federal principle.

The proposal of an independent Irish Republic may be dismissed at once. No section of the British Commonwealth is prepared to entertain it. Whatever may be the expectations or hopes of the Sinn Fein leaders, it is probable that the rank and file of their followers have but the haziest notions as to the difference between a Republic and any other form of self-government, and adopted the cry, as an effective demonstration of disloyalty to the existing order, and particularly of their determined hostility to conscription. On the other hand the Convention of 1917-18, from which so much was hoped for, was unable to formulate a workable scheme or to indicate any method of overcoming the Ulster difficulty.

At the present time the cry is all for "Dominion Home Rule"; but what exactly is meant by Dominion Home

Rule none of its advocates has defined. Sir Horace Plunkett, who was chairman of the Convention and who, last year, in view of the various proposals for industrial regeneration which were afloat, was energetic in organising an association for promoting the material progress of Ireland, has recently suddenly dropped this practical scheme, and, with some forty adherents, has got up an "Irish Dominion League" with the object of promoting a crusade for securing "Dominion Home Rule." In the circular which introduces this league to the public no attempt at definition is made; nothing beyond the usual statements of pious hopes and vague aspirations with which we have long been familiar. I do not propose in this paper to analyse the contents of the manifesto; but I venture to think that if ever its suggestions—for the most part they are hardly proposals—come to be shaped into an act of Parliament, it will be found that Dominion Home Rule is virtual separation, subject only to that worn-out claptrap "The Golden Link of the Crown," to retain Ireland "within the Empire." Once grant the powers sought for by the Irish Dominion League, and the United Kingdom will soon find itself in the position of the purchaser of the *Peau de Chagrin*, and will justly suffer his fate.

That there are very grave disadvantages in the union of executive and legislative functions in the same elective Chamber may be admitted; but it is not easy to see how the reproduction of this feature in the local Legislatures can be avoided. In Ireland the persistent and reiterated demand has been for "an Irish Legislature with an Executive subject and responsible thereto." The essential element of the Home Rule claim is the desire to control the Administration; the chief function of the Legislative Assembly being to supervise and direct the executive machine. The "Democracy," especially in Ireland (though not in Ireland only), are so filled with a faith in the miracles of material prosperity which it is supposed to be in the power of a rightly directed patriotic Government to effect that their first object is to secure

that the Administration shall be in their hands, and directly and immediately responsive to their impulse and stimulus. Over and above this general popular tendency to look for miracles, the Irish voters have been indoctrinated with a belief—the seeds of which were unfortunately sown too freely in the long past—that English greed and trade jealousy still operate to prevent the expansion of Irish commerce and the development of Irish resources. To frustrate this supposed monopolistic hampering of Irish trade by restricting imports from England, while facilitating the export of produce by low outward rates, was shown to be a ruling motive with the promoters of the Vice-regal Commission on Irish Railways, in 1906–9, and inspired a great deal of the evidence. The Dominion Leaguers are cheerfully confident that under the rule of a Dominion Parliament there will be complete cross-channel free trade by agreement between Ireland and Great Britain; but it will be surprising if one of the first-fruits of separation be not the adoption of measures devised with the object of substituting a direct foreign trade in Irish produce for the cross-channel route by which it is now chiefly disposed of, by means of bounties on foreign exports, or duties on imports from England, or both; the foreign shipping trade being the region in which English selfishness is most frequently accused of malign influence. “Burn everything English, except their coals,” was Swift’s advice, and this is the spirit in which the cross-channel commerce is regarded very widely in Ireland, even by a good many who from their position ought to know better.

Much pains were taken by the framers of the constitution of the United States to keep the Executive and the Legislature apart. With that view, very exceptional powers, such as are enjoyed by no other constitutional ruler, were conferred on the President during his four years’ term of office, and a mode of election by indirect voting, which it was believed would prevent the Presidency from becoming a party appointment, was devised.

As a matter of fact, this provision has completely failed of its purpose, but it shows the intention of the constitutionalists of the early days of the Republic. On the other hand, the provision by which none of the President's Ministers can be a member of either House of Congress does act effectually in saving the Presidential policy from the recurring embarrassments inseparable from our system of more immediate responsiveness of Ministers to majorities.

It may be true, as asserted by many political writers, that the party system as now prevailing is an essential and inseparable feature of a democratic constitution. It is, at all events, important, in discussing its application to Ireland, to bear in mind that circumstances differ widely between England and Ireland. In England, where the party system has come down to our time by gradual descent, "broadening slowly down from precedent to precedent," public opinion has learnt to accommodate itself to the exigencies of the process, and the working of the party system is vastly different from what it was in its earliest stages. In recent times the difference between the two great political parties is rather one of tendencies of thought, and of variant methods, than of paramount principle and irreconcilable hostility. There are frequent occasions when the way opens for compromise, in varying degree; and we have seen in recent experience how, on critical occasions, party differences have given way to patriotic unity. Moreover, whether by chance or *ex necessitate rei*, in England the two great parties divide the State with so near an approach to equality that what is called "the swing of the pendulum" constantly tends to bring them alternately into power, at irregular intervals it is true, but with a certain approach to equality of opportunity which greatly tends to mitigate the acerbity of feeling on occasion of such changes, by the expectation that it will not be very long before the "Ins" will be out, and the "Outs" will be in, in their turn.

How much longer this condition of moderation will

continue in England is problematic ; what is certain is that there is nothing like it in Ireland. As has already been remarked, there is no spirit of compromise amongst Irish political parties. In England, though religious considerations are not without influence on politics, they are very rarely the deciding factor in the division of parties. In Ireland, the religious element is the ruling consideration in politics, and enters also into every department of life, social and mercantile, as well as political. There are Roman Catholic Unionists, and there are Protestant Home Rulers ; but, relatively, the proportion of such exceptions is small compared with the total populations, and may, for our present purpose, be considered negligible. It seems to English people incredible and disgraceful that this should be so, but we have to do with facts, and the fact is that religio-political opinion in Ireland at the present time is much what it was in England in the time of Elizabeth ; and there is no prospect that Home Rule or any other political change will alter this state of things. In the province of Ulster the Protestants outnumber the Roman Catholics by something less than the proportion of three to two ; but in the other three provinces the Roman Catholics outnumber the Protestants by nearly ten to one—using the word Protestant for all non-Catholics. Omitting Dublin, the proportion of Roman Catholics would be still greater ; and in the “ Six Counties ” the proportion of Protestants is, of course, considerably greater than in the whole province. The consequence of this distribution of population is that, whilst in Ulster there may, from time to time, be some oscillation of the pendulum, varying the representation fractionally, there will be in the rest of the country a permanent solid majority of at least three to one for the representatives of the Roman Catholic population of the agricultural counties in the south and west in the Irish Parliament.

As long as this disproportion exists—and there is no visible probability of any change—the working of the party system must be vastly different in Ireland from

what it is in England. There will be no swinging of the pendulum, no alternation of the "Ins" and "Outs." The Government of the country will be fixed in the hands of the majority party, and there will be no change to be looked for, except through a revolution, which, if it comes, can only be achieved by overthrowing the ascendancy of the Catholic Church.

In view of this permanent disproportionate division of parties amongst the people of Ireland, and the consequent impediment to the working of the strict party system, it is desirable that anything that could mitigate this evil should be adopted. The application of the principle of Proportional Representation to all elections in Ireland would have, to some extent, the effect of making the Irish Parliament more representative of such independent opinion as may exist, either within or apart from the two extreme political sects which now divide the electorate, and would tend to make the Parliament more of a deliberative Assembly, and less of a mere machine for registering the foregone conclusions of the majority. The principle of proportional representation has been recognised in the Act of 1914, in a half-hearted way, by the method of the single transferable vote: but it has been unaccountably limited to the forty members of the Senate who are to be elected by the four provinces, and to such members of the Lower House as are to be elected by constituencies having three or more members, thus making it apply to seven of the twelve borough constituencies, and to two only (North and South Dublin) out of the eighty-five county constituencies. This is a palpable absurdity, and the more glaring in that to extend the system at any future time would involve the recasting of the schedule of distribution over the whole country. To make the system effective, the constituencies should be grouped so as to give not less than five or seven representatives to each.

As the federalisation of the United Kingdom cannot be brought about without considerable lapse of time, whilst the settlement in Ireland is very urgent, involving

as it must the substitution of a new scheme for the unworkable Act of 1914, it may be necessary to proceed by stages, taking care that in settling the Irish portion of the scheme nothing is done to prejudice or hinder the arrangements for the other sections of the Kingdom. With this view, it seems all the more important that whatever rights or privileges are to be conferred shall be precisely specified in the instrument by which the grant is to be accomplished, in accordance with the principle adopted for the Canadian Provinces, in the British North America Act, 1876, and discussed in the early part of this paper. If what is done at first be found, later on, to be insufficient, it will be easy to supplement it when the other divisions of the Kingdom come to be dealt with. It is not essential that the Constitutions of all the States of a federation shall be identical, but it is highly important that, if the work must be carried out piece-meal, nothing shall be done in the earlier stages which will be incompatible in its working with the settlements which are later on to be made with the other partners in the undertaking.

In concluding this paper, the writer ventures to add that, in his judgment, the doctrine, recently laid down, that for a permanent settlement the rulers of the State must give what the malcontents want, not what they consider to be the best for them, to be false political philosophy. In this matter the duty of the Government and the Legislature is—while not ignoring the wishes and desires of any—to make up their minds clearly as to the course which is best for the whole Commonwealth, giving to no section or class any privilege which is not consistent with the safety and prosperity of the whole, making their ruling maxim Wolsey's dying injunction to his successor: "Be just, and fear not."

Above all things we want in Ireland, what we have never yet had and without which no country can permanently thrive and peacefully accomplish its destiny: continuity of policy and persistent steadfastness of administration.

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